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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,216	04/17/2006	Andrew Corbin Fuller	3375115	7005

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EXAMINER	
NORMAN, MARC E	

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
08/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,216	FULLER, ANDREW CORBIN	
	Examiner	Art Unit	
	Marc E. Norman	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/17/06; 8/1/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6, 10-12, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama.

As per claims 1 and 10, Akiyama discloses a dehumidifier (drying mode of air conditioner I), user interface 2, humidity sensor 19, means for desired humidity selection (Figure 7; 44); and a controller activating the humidifier when the relative humidity is higher than the desired humidity (column 1, lines 28-35).

As per claims 3 and 18, Akiyama discloses remote controller 2 having a wireless interface (Figure 1).

As per claim 6, Akiyama discloses remote controller 2 having a display showing the listed information (Figure 5).

As per claims 11 and 12, Akiyama discloses fan 7 as part of the dehumidification device.

As per claim 15, Akiyama discloses interface 2 being remote (Figure 1).

As per claim 16, Akiyama discloses interface 2 having selecting means (Figure 5).

As per claim 17 Akiyama discloses means 32 for selecting a desired humidity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 4, 7, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama.

As per claims 2 and 19, official notice is taken that, while Akiyama teaches the controller 2 being a wireless controller, hard wired controls are old and well known in the art and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply to the system of Akiyama for the simple purpose of having a set control location.

As per claim 4, while Akiyama only teaches a single fan 7, official notice is taken that multi-fan systems are old and well known in the art and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply to the system of Akiyama for the simple purpose of scaling up the blowing capacity.

As per claim 7, while Akiyama does not teach a power unit, official notice is taken that batteries are common and integral component of remote controllers and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply to the system of Akiyama for the simple purpose powering the remote controller 2.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Jones.

As per claim 5, Akiyama does not teach the interface having a service light. However, controller service lights are old and well-known in the art of temperature/humidity control systems. Jones for example teaches an HVAC system wherein the interface has a service light 65. It would have been obvious to one of ordinary skin in ~ art at the time the invention was made to apply this feature to the system of Akiyama for the purpose of indicating detected service needs of the system.

Claims 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Warner.

As per claim 20, Akiyama does not teach an alarm. Warner teaches a humidity sensor alarm system wherein the alarm circuit is activated when the relative humidity rises above a certain value (Abstract, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the alarm of Warner to the system of Akiyama for the purpose of warning of excessive humidity conditions.

Claims 8, 9, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Weisenberger et al.

As per claims 8, 9, 13, and 14, Akiyama does not teach sensing building material moisture content and running the dehumidifier when the moisture content is above a desired value. Weisenberger et al. teach a building material moisture control system wherein a dehumidifier is operated if a sensed building material moisture is above a desirable value (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine such a moisture control system into the humidity control system of Akiyama for the purpose of efficiently using the same dehumidification system to control both humidity and moisture.

Double Patenting

Claims 1-30 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,978,631 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are directed to the same basic dehumidification/moisture sensing arrangement such that given the patented claimed invention one of ordinary skill in the art could easily arrive at the claimed invention of the present application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN
/Marc E. Norman/
Primary Examiner, Art Unit 3744